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December 12, 2006

ORIGINAL

**VIA ELECTRONIC FILING**

The Honorable Charles L. A. Terreni  
Chief Clerk and Administrator  
The Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

2006 DEC 12 PM 2:05  
PUBLIC SERVICE COMMISSION  
COLUMBIA, SC

- RE:   • Duke Energy Carolinas, LLC, ("Duke Energy Carolinas").  
      • Docket Numbers 2005-385-E and 2005-386-E.  
      • **Consent Motion to Consolidate EAct 2005 Docket Numbers 2005-385-E  
        and 2005-386-E.**

Dear Mr. Terreni:

Duke Energy Carolinas is an Intervenor of record in Docket Numbers 2005-385-E and 2005-386-E.

These Dockets were opened upon the Petitions of the South Carolina Office of Regulatory Staff ("ORS") filed with the Public Service Commission of South Carolina ("Commission") on December 12, 2005, and assigned the Docket Numbers shown hereinabove.

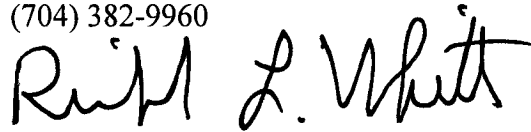
After appropriate consultation among the parties of record, and with the consent of all parties of record, Intervenor, Duke Energy Carolinas, through counsel, hereby files this Consent Motion to consolidate the two remaining EAct 2005 Dockets based on the grounds shown in the Motion.

All parties of record are being served.

If you have any questions or concerns please do not hesitate to contact the undersigned.

Respectfully Submitted,

Lara Simmons Nichols  
Duke Energy Carolinas  
(704) 382-9960

A handwritten signature in black ink, appearing to read "Richard L. Whitt". The signature is fluid and cursive, with the first name "Richard" and last name "Whitt" clearly distinguishable.

William F. Austin  
Richard L. Whitt  
(803) 251-7442

Attorneys for Duke Energy Carolinas

RLW/nc

Enclosures

cc: See Certificate of Service.

**THIS DOCUMENT IS AN EXACT DUPLICATE, WITH THE EXCEPTION OF THE FORM OF THE SIGNATURE, OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.**

Docket Numbers 2005-385-E and 2005-386-E.

In RE: Petition to Establish Docket to Consider  
Implementing the Requirements Of:

Section 1251 (Net Metering and Additional  
Standards) of the Energy Policy Act of 2005; and

Section 1252 (Smart Metering) of the Energy Policy  
Act of 2005.

**CERTIFICATE OF SERVICE**

I, Janet Nicole Carter, employee of Austin Lewis Rogers, P.A., hereby certify that I caused copies of Duke Energy Carolinas Consent Motion to be e-mailed on this date, to the individuals shown below, at the addresses shown below:

South Carolina Office of Regulatory Staff  
Nanette Edwards, Esquire  
[nsedwar@regstaff.sc.gov](mailto:nsedwar@regstaff.sc.gov)  
Shannon Bowyer Hudson, Esquire  
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This the 12<sup>th</sup> day of December, 2006.

Austin Lewis and Rogers, P.A.

By:   
Janet Nicole Carter

ORIGINAL

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NUMBERS 2005-385-E and 2005-386-E

IN RE:

Petition to Establish Docket to Consider  
Implementing the Requirements Of:

Section 1251 (Net Metering and Additional  
Standards) of the Energy Policy Act of 2005; and

Section 1252 (Smart Metering) of the  
Energy Policy Act of 2005.

CONSENT MOTION

### INTRODUCTION

Duke Energy Carolinas, LLC, ("Movant"), through counsel, hereby moves the Public Service Commission of South Carolina ("Commission") for an Order consolidating the above referenced Dockets, namely Docket Numbers 2005-385-E and 2005-386-E (together hereinafter, the "EPAct 2005 Dockets"). This Motion is made with the consent of all parties to this Docket: the South Carolina Office of Regulatory Staff ("ORS"), Carolina Power and Light Company d/b/a Progress Energy Carolinas, Inc. ("PEC"), and South Carolina Electric and Gas Company ("SCE&G").

### BACKGROUND AND PARTIES

1. Movant's general offices are at 526 South Church Street, Charlotte, North Carolina, and its mailing address is:

Duke Energy Carolinas, LLC  
526 S. Church Street,  
Charlotte, North Carolina 28202

2. The name and address of Movant's Attorneys are:

Lara Simmons Nichols, Associate General Counsel  
Duke Energy Corporation  
P.O. Box 1006 (EC03T)  
Charlotte, North Carolina 28201-1006  
(704) 382-9960

William F. Austin  
Richard L. Whitt  
Austin, Lewis & Rogers, P.A.  
508 Hampton Street  
Columbia, South Carolina 29201  
(803)251-7442

3. SCE&G's Attorney is:

Catherine D. Taylor  
SCANA Corporation  
Legal Department MC130  
1426 Main Street  
Columbia, South Carolina 29218  
(803) 217-9356

4. PEC's Attorney is:

Len S. Anthony  
Progress Energy Carolinas, Inc.  
Post Office Box 1551  
Raleigh, North Carolina 27602  
(919) 546-6367

5. ORS' Attorneys are:

Shannon Bowyer Hudson  
Nanette S. Edwards  
Office of Regulatory Staff  
Post Office Box 11263  
Columbia, South Carolina 29211  
(803) 737-0800

6. Copies of all pleadings, orders or correspondence in this proceeding should be served upon the attorneys listed above.

7. Movant is a party of record in this Docket, having been granted intervenor status by this Commission.

### **CONSENT MOTION TO CONSOLIDATE**

8. The EAct 2005 Dockets were opened as a result of separate Petitions filed with this Commission by ORS on December 12, 2005, and assigned Docket Numbers 2005-385-E and 2005-386-E, respectively. These are the two remaining EAct 2005 Dockets, as the subject matter of Docket Number 2005-387-E, was heard before this Commission on October 26, 2006.

9. The grounds for this Consent Motion are that there is a commonality of parties, subject matter and prospective witnesses in the two EAct 2005 Dockets requested by this Consent Motion to be consolidated and it would serve the judicial economy of this Commission to consolidate those Dockets for comments, testimony, and hearing.

10. Furthermore, because this Consent Motion is made with the consent of all parties to this Docket, no party would be prejudiced by this Commission's issuance of an Order consolidating Docket Numbers 2005-385-E and 2005-386-E.

### **CONCLUSION**

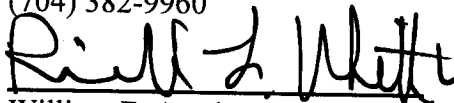
Movant moves this Commission to (i) inquire into this matter, (ii) if appropriate, hear and approve this Consent Motion at the next appropriate weekly agenda session, and (iii) issue an appropriate order granting the relief sought in this Consent Motion. Movant also requests such other and further relief as this Commission may deem just and proper.

WHEREFORE, based on the foregoing, Movant moves this Commission to issue its Order consolidating Dockets Number 2005-385-E and 2005-386-E.

Respectfully Submitted,

This the 12<sup>th</sup> day of December, 2006.

Lara Simmons Nichols  
Associate General Counsel  
Duke Energy Corporation  
P.O. Box 1006 (EC03T)  
Charlotte, North Carolina 28201-1006  
(704) 382-9960

A handwritten signature in black ink, appearing to read "William F. Austin", is written over a horizontal line.

William F. Austin  
Richard L. Whitt  
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(803) 251-7442

Columbia, South Carolina

Attorneys for Duke Energy Carolinas, LLC

cc: See Certificate of Service.